IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22611 of 2004

Between:

P. Lakshmi Chandra Mouli, S/o. Late Venkata Narayana Rao,
R/o. Jami Appanna Street, D.No. 25-9/1-2, Seethaannapeta,
Vijayawada-3. Krishna District.

..... PETITIONER

AND

1 The Govt of A.P., rep. by its Secretary, Municipal Administration,
Secretariat, Saifabad, Hyderabad.
2 The Commissioner of Municipal Corporation, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue any appropriate writ order or direction more particularly a writ in the nature of mandamus directing the respondents herein not to demolish the petitioners building situated in Municipal Ward No.18, Block No.29, NTS, No. 795, Revenue Ward No.8, D.No.25-9/1-2, with municipal Assessment No.1713, Seethannapeta, Gandhinagar, Vijayawada, Krishna District, after declaring the arbitrary action of the 2nd respondent taking steps of demolish the house is illegal, void and without jurisdiction and to pass such other order or orders.

Counsel for the Petitioner:MR.G.DHARMA RAO

Counsel for Respondent No.1 : GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for Respondent No.2 : Mr.T.S.V.Ramana

The Court at the admission stage made the following order:

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO. 22611 OF 2004

ORDER:

The petitioner claims to be owner of house bearing no.. 25-9/1-2, Gandhinagar, Seethannapet , Vijayawada which is adjacent to railway track leading from Vijayawada to Machilipatnam. That the said railway track was removed and the vacant site was handed over to the Vijayawada Municipal Corporation and a road was formed thereon. It is stated that on 4-12-2004 the officials of second respondent visited his house and threatened to demolish the constructions made by him. The petitioner contends that without issuing any notice and without following due procedure of law, the second respondent is trying to demolish his house illegally.

Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration and Mr.T.S.Venkataramana.

Mr.T.S.Venkataramana on instructions submitted that the respondent corporation has not taken up any action against the petitioner for eviction and merely on an apprehension, the present writ petition is filed which is not maintainable.

In the parawise remarks received by the learned Standing Counsel for respondent, it is specifically stated that the respondent corporation has never taken up any action for eviction or demolition of the petitioners property as alleged and if any eviction or demolition is required, the corporation is bound to follow the procedure laid down under law and only under proper notice and after giving opportunity to the petitioner, such demolition, if at all required will be taken up.

In view of the above categorical statement made by the learned Standing Counsel for respondent corporation, I see no reason warranting interference by this Court at this stage. The writ petition is premature and the same is dismissed at the admission stage.

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N.V.RAMANA,J

20-12-2004

TVK

To

1 The Secretary, Govt of A.P., Municipal Administration,
Secretariat, Saifabad, Hyderabad.
2 The Commissioner of Municipal Corporation, Vijayawada, Krishna District.

3.2CCs to G.P. for Municipal Administration, A.P. High Court buildings, Hyderabad (OUT)

4.2CD copies

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